

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PRINCETON DIGITAL IMAGE
CORPORATION,

Plaintiff,

v.

HEWLETT-PACKARD, et al.;

Defendants.

AND RELATED COUNTERCLAIMS

Civil Action No. 1:12-cv-779 (RJS)

ORAL ARGUMENT REQUESTED

**DEFENDANT HEWLETT-PACKARD COMPANY'S NOTICE OF MOTION AND
MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT BASED ON
SETTLEMENT AGREEMENT BETWEEN PLAINTIFF AND MICROSOFT CORP.**

Please take notice that Defendant Hewlett-Packard Company ("HP") will move the Court, before the Honorable Richard J. Sullivan, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, NY 10007-1312, on a date and at a time to be determined, for an Order granting summary judgment in its favor on the claims of patent infringement by Plaintiff Princeton Digital Image Corporation ("PDIC"). This Motion is based on the June 28, 2013 Settlement and License Agreement between PDIC and Microsoft Corporation ("Microsoft") (the "PDIC-Microsoft Agreement" or "Agreement"). The Court should grant summary judgment of noninfringement as to all accused HP products because the PDIC-Microsoft Agreement provides HP with a complete defense to PDIC's infringement claims.

This Motion is made pursuant to the Court's Order signed on April 3, 2014 [Dkt. No. 421], Federal Rule of Civil Procedure 56 and Local Civil Rule 56.1 of the Southern District of

New York, and it is supported by the accompanying Statement Pursuant to Local Rule 56.1; the Memorandum of Law in Support of Defendants' Motion for Summary Judgment; the Declarations of Sean C. Cunningham (and all exhibits attached thereto), Paolo Fontani, Bradley R. Larson, Curt Behrend and Jimmie Sato; all prior pleadings, papers and proceedings herein; any other matters as to which the Court must and may take judicial notice; and upon such other matters as may be presented at any hearing on this Motion.

Dated: April 25, 2014

/s/ Sean C. Cunningham
Sean C. Cunningham (*pro hac vice*)
sean.cunningham@dlapiper.com
Erin P. Gibson (*pro hac vice*)
erin.gibson@dlapiper.com
DLA PIPER US LLP
401 B Street, Suite 1700
San Diego, CA 92101
Telephone: 619-699-2700
Facsimile: 619-699-2701

Brian K. Erickson (*pro hac vice*)
brian.erickson@dlapiper.com
DLA PIPER US LLP
401 Congress Ave., Suite 2500
Austin, TX 78701-3799
Telephone: 512-457-7059
Facsimile: 512-457-7001

**ATTORNEYS FOR DEFENDANT
HEWLETT-PACKARD COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and service on registrants.

/s/ Sean C. Cunningham
Sean C. Cunningham